

PERLMUTTER & MCGUINNESS, P.C.
ATTORNEYS AT LAW

260 MADISON AVENUE, SUITE 1800
NEW YORK, NY 10016
TEL. (212) 679-1990
FAX. (888) 679-0585

ADAM D. PERLMUTTER, ESQ.
DANIEL A. MCGUINNESS, ESQ.
—
VICTORIA N. MEDLEY, ESQ.

OF COUNSEL
PAUL GREENFIELD, ESQ.

November 13, 2017

VIA ECF

The Honorable Edgardo Ramos
United States District Court Judge
Southern District of New York
40 Foley Square
New York, NY 10016

Re: United States v. Richard Moseley, Sr., Case No. 16-cr-79 (ER)

Dear Judge Ramos:

I am counsel for Richard Moseley, Sr. in the above matter, and write to request that the Court supplement disclosure of state interest rates under RICO for the jury instructions.

In the first place, the Court should supplement any individual state interest rate cap disclosure by reminding the jury that RICO requires an attempt to collect on a debt that is two times a state's highest interest rate. Thus, for example, New York's cap is 25%, so the Court should indicate that under RICO, an attempt to collect should be on a loan in excess of 50%.

In the second place, the Court should also supplement its instruction to set forth the permissible interest rate and two times the permissible interest rate for each live customer witness at trial. Those will be as follows:

The Honorable Edgardo Ramos

November 13, 2017

Page 2 of 2

Witness:	State:	Interest Rate Cap:	Double:
Baldwin	Texas	No limit	No limit
Kinnnan	Nebraska	459%	918%
Morgan	Idaho	No limit	No limit
Singletary	Illinois	403%	806%
Tuzo	New York	25%	50%

I want to thank the Court for its consideration of this request.

Respectfully submitted,



Adam D. Perlmutter

Cc: All counsel (via ECF & email)